

Application No.: 10/685,072
RCE dated: September 8, 2008
Reply to Final Office Action of April 7, 2008
Attorney Docket No.: 21295.66 (115686US)

REMARKS/ARGUMENTS

Claims 1, 3-7, 9, and 10 are pending in this application.

Claims 1, 3-7, 9, and 10 had been rejected under 35 U.S.C. §103(a) over Homma *et al.*, US 4,907,287 in view of Zaluzec, US 6,548,810 B2. This rejection is respectfully traversed for the following reasons.

Claims 1, 3-7, 9, and 10 comprise sending control signals to a positioning means to cause a motion of the positioning means to compensate for changes in the observable image of the specimen.

Zaluzec does not teach or suggest this element.

According to the Examiner: "column 19, line 66 - column 20, line 5 disclose sending control signals to a positioning means to cause a motion of the positioning means to compensate for changes in the observable image of the specimen." See Advisory Action mailed July 8, 2008.

Applicant respectfully disagrees.

Homma describes an image correction system for a scanning electron microscope. Homma's system is designed to compensate for image blur and distortions caused by mechanical vibrations and magnetic fields of the microscope power sources. The part of Homma quoted by the Examiner is the last two sentences of the following paragraph:

"Fig. 20 shows another embodiment of the present invention which is adapted to be used for a SEM [scanning electron microscope] . . . in which the image shift is corrected by directly varying the scan control signal of an electron beam scanning system . . . The data representative of the shift determined by the [image shift detecting] unit 59 undergoes data translation to be converted into a scan position signal through a shift-scan position converter 62. The output signal of the converter 62 is then converted to an analogue signal through a D/A converter 63 to be subsequently applied to the electron beam scanning system 64 for changing the scanning position. According to this

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embodiment, not only the vibration of image can be prevented but also the specimen under observation can be protected against disappearance from the field of view."

According to the Examiner, "a motion of the positioning means" in response to control signals in Claims of the present Application reads on Homma's "changing the scanning position" of an electron beam in a scanning system in response to varying the scan control signal.

However, varying the scan control signal of an electron beam in Homma, contrary to the present invention, does not involve any motion of any positioning means because Homma does not describe any motion of the scanning system and the moving electron beam in Homma is not a positioning means. The moving electron beam, the only thing that moves in the part of Homma quoted by the Examiner, is not a means performing a positioning of anything.

Therefore, contrary to the Examiner's assertion, Homma does not describe a motion of a positioning means caused by sending control signals to the positioning means to compensate for changes in the observable image of the specimen.

As explained hereinabove, sending control signals to a positioning means to cause a motion of the positioning means to compensate for changes in the observable image of the specimen is not taught or suggested in Homma, Zaluzec, or their combination. Therefore, Claims 1, 3-7, 9, and 10 are patentable and nonobvious over Homma and Zaluzec under 35 U.S.C. §103(a) and should be allowed.

It is believed that the present application is in condition for allowance. A Notice of Allowance is respectfully solicited in this case. Should any questions arise, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

HOUSTON ELISEEVA LLP

By /Maria M. Eliseeva/

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Maria M. Eliseeva
Registration No.: 43,328
Tel.: 781 863 9991
Fax: 781 863 9931

4 Militia Drive, Suite 4
Lexington, Massachusetts 02421-4705
Date: September 8, 2008